IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE CIVIL JURISDICTION

Writ Petition No.443 of 2005

Bhimashankar Sidharaya Kattimani..Petitioner
vs
The State of Maharashtra and ors.....Respondents

Mr Sudhir Halli for petitioner
Ms Jyoti Pawar AGP for State

CORAM: A.P.SHAH & D.Y CHANDRACHUD JJ.

Dated 14.6.2005

P.C:

. Heard advocates for the parties. Perused the order of the Scrutiny Committee. The Committee has noted that in the register for admission to the primary school the caste of the relatives of the petitioner has been mentioned as Koli. The caste Koli is different than ‘Mahadeo Koli’ which is a Scheduled Tribe. The ‘Koli’ caste is declared as OBC in the State of Maharashtra. It is also noticed by the Committee that entries in the school register have been tampered with by inserting letter "M" in different ink in the school register. Almost all documents of caste submitted by the petitioner pertain to the period l954 to l990 i.e. after the issuance of the first Presidential Order of l950 whereby Scheduled Tribes were notified.

. In the light of the pre l950 entries showing the caste as ‘Koli’ the entries which have been effected after the Presidential Notification cannot be accepted. During the course of inquiry conducted by the vigilance cell statement of the mother of the petitioner was recorded. The information supplied by the petitioner’s mother as well as the petitioner about the traditional occupation, god/goddess,surname and customs is not associated with Mahadeo Koli Scheduled Tribe. The petitioner has failed to establish any cultural affinity with Mahadeo Koli Tribe. In the circumstances no interference is called for with the order of the Scrutiny Committee. Petition is dismissed.